

FILED

AUG 31 2017

Clerk, U S District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

“ANTONIUS-DAMASCUS:RAELUND
CANDACE:RAELUND,
CANDILEE:WEEKS (LILES)
(RAELUND),”

Plaintiffs,

vs.

“ERICK M ENZ, KEELEE M. ENZ,
LYNN C. REHM, KIM T.
CHRISTOPHERSON,”

Defendants.

CV 17-56-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendations in this case on August 10, 2017, recommending that this matter be dismissed. Plaintiffs filed a timely objection to the Findings and Recommendations, and so are entitled to a de novo review of those findings and recommendations to which they specifically object. 28 U.S.C. § 636(b)(1)(C).¹ This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*,

¹Plaintiffs filed multiple “Notices” which the Court construes as objections. (See Docs. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19.)

656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Judge Lynch concluded, and this Court agrees, that dismissal is appropriate because Plaintiffs have failed to amend their Complaint to allege facts to establish that this Court possesses subject matter jurisdiction over this action. Instead, Plaintiffs have filed multiple “Notices” relating to counterclaims alleged in their ongoing state civil action. Plaintiffs have also alleged that “Title 28 gives the court Jurisdiction.” (Doc. 5 at 1.) However, this is insufficient to plead subject matter jurisdiction. Without more, the Plaintiffs are unable to prove that subject matter jurisdiction exists here.

Accordingly, IT IS ORDERED that Judge Lynch’s Findings and Recommendations (Doc. 4) is ADOPTED IN FULL. This case is DISMISSED for lack of subject matter jurisdiction.

DATED this 31st day of August, 2017.



Dana L. Christensen, Chief Judge
United States District Court